

SENATE JOURNAL

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IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTIETH LEGISLATURE

**ELEVENTH LEGISLATIVE DAY
THURSDAY, JANUARY 22, 2009**

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 11 a.m.

Roll call showed all members present except Senator Siddoway, absent and formally excused by the Chair; and Senators Cameron, Pearce, and Stegner, absent and excused.

Prayer was offered by Chaplain Henry Webb.

The Pledge of Allegiance was led by Paige Retter, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 21, 2009, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

Senators Cameron and Stegner were recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

SCR 101

BY JUDICIARY AND RULES COMMITTEE

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND HONORING THE 2009 SPECIAL OLYMPICS WORLD WINTER GAMES AND THE IDAHO OPTOMETRIC PHYSICIANS WHO WILL PARTICIPATE IN THE VISUAL SCREEN FOR THE 2009 SPECIAL OLYMPICS WORLD WINTER GAMES.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, after a successful bid for the 2009 Special Olympics World Winter Games, the host site was awarded to

Boise, Idaho, for the 2009 Special Olympics World Winter Games to be held February 7 through 13, 2009; and

WHEREAS, more than three thousand athletes from eighty-five countries and regions of the world are expected to compete in seven Olympic-type winter events; and

WHEREAS, the 2009 Special Olympics World Winter Games will be the largest multi-sport event ever held in the state of Idaho; and

WHEREAS, the Idaho Optometric Physicians have volunteered hundreds of hours to participate in the visual screen for the 2009 Special Olympics World Winter Games Special Olympians.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the Senate and the House of Representatives concurring therein, that a welcome be extended to all the participating athletes and guests who have come to Idaho for the 2009 Special Olympics World Winter Games, and a thank you be extended to all the Idaho Optometric Physicians that have taken time from their practices to help with the 2009 Special Olympics World Winter Games.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby directed to send a copy of this resolution to the head of the Idaho Optometric Physicians who will be doing the visual screen for the 2009 Special Olympics World Winter Games.

SCR 101 was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

January 22, 2009

The JUDICIARY AND RULES Committee reports that S 1009, S 1010, S 1011, S 1012, S 1013, S 1014, and S 1015 have been correctly printed.

DARRINGTON, Chairman

S 1009, S 1011, and S 1013 were referred to the State Affairs Committee.

S 1010 and S 1012 were referred to the Education Committee.

S 1014 was referred to the Health and Welfare Committee.

S 1015 was referred to the Resources and Environment Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

January 22, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Chris Korell of Emmett, Idaho, was appointed as a member of the Outfitters and Guides Licensing Board to serve a term commencing May 14, 2008, and expiring April 20, 2011.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

January 22, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Alex Irby of Orofino, Idaho, was appointed as a member of the Outfitters and Guides Licensing Board to serve a term commencing May 31, 2008, and expiring May 31, 2011.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointments were referred to the Resources and Environment Committee.

January 22, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Kenneth Edmunds of Twin Falls, Idaho, was appointed as a member of the Board of Education to serve a term commencing May 30, 2008, and expiring March 1, 2013.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Education Committee.

January 22, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Pamela J. Huntsman-McCarroll of Twin Falls, Idaho, was appointed as a member of the Sexual Offender Classification Board to serve a term commencing January 1, 2009, and expiring January 1, 2015.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Judiciary and Rules Committee.

January 22, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Randal F. Rice of Moscow, Idaho, was appointed as a member of the Park and Recreation Board to serve a term commencing June 30, 2008, and expiring June 30, 2014.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

January 22, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Wayne Wright of Twin Falls, Idaho, was appointed as a member of the Idaho Fish and Game Commission to serve a term commencing June 30, 2008, and expiring June 30, 2012.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

January 22, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Gary D. Power of Salmon, Idaho, was appointed as a member of the Idaho Fish and Game Commission to serve a term commencing June 30, 2008, and expiring June 30, 2012.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointments were referred to the Resources and Environment Committee.

January 22, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Megan Ronk of Boise, Idaho, was appointed as a member of the Idaho Commission on Human Rights to serve a term commencing March 17, 2008, and expiring July 1, 2010.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

January 22, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Brian Scigliano of Boise, Idaho, was appointed as a member of the Idaho Commission on

Human Rights to serve a term commencing April 29, 2008, and expiring July 1, 2010.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

January 22, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Sheila A. Olsen of Idaho Falls, Idaho, was appointed as a member of the Idaho Commission on Human Rights to serve a term commencing August 4, 2008, and expiring July 1, 2011.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

January 22, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Ruthie Johnson of Hayden Lake, Idaho, was appointed as a member of the Idaho Commission on Human Rights to serve a term commencing July 1, 2008, and expiring July 1, 2011.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

January 22, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Hyong K. Pak of Twin Falls, Idaho, was appointed as a member of the Idaho Commission on Human Rights to serve a term commencing July 1, 2008, and expiring July 1, 2011.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

January 22, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that William W. Deal of Nampa, Idaho, was appointed as a member of the Public Employee Retirement System of Idaho to serve a term commencing June 1, 2008, and expiring July 1, 2013.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointments were referred to the State Affairs Committee.

January 22, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Joan M. Cloonan of Boise, Idaho, was appointed as a member of the Board of Environmental Quality to serve a term commencing July 1, 2008, and expiring July 1, 2012.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

January 22, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Carol Mascarenas of Idaho Falls, Idaho, was appointed as a member of the Board of

Environmental Quality to serve a term commencing August 14, 2008, and expiring July 1, 2012.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

January 22, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Michael D. Gibson of Nampa, Idaho, was appointed as a member of the Commission for the Blind and Visually Impaired to serve a term commencing October 2, 2008, and expiring July 1, 2011.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointments were referred to the Health and Welfare Committee.

Senator Pearce was recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,
House Petitions, Resolutions, and Memorials**

S 1016

BY FINANCE COMMITTEE

AN ACT

RELATING TO APPROPRIATIONS AND TRANSFERS OF FUNDS; PROVIDING AN APPROPRIATION AND A TRANSFER OF FUNDS TO THE PEST CONTROL DEFICIENCY FUND; PROVIDING AN APPROPRIATION AND A TRANSFER OF FUNDS TO THE HAZARDOUS SUBSTANCE EMERGENCY RESPONSE FUND; AND DECLARING AN EMERGENCY.

S 1017

BY EDUCATION COMMITTEE

AN ACT

RELATING TO ATTENDANCE AT SCHOOLS; AMENDING SECTION 16-1602, IDAHO CODE, TO FURTHER DEFINE A TERM; AMENDING SECTION 33-202, IDAHO CODE, TO REVISE A PROVISION RELATING TO SCHOOL ATTENDANCE REQUIREMENTS; AND AMENDING SECTION 33-207, IDAHO CODE, TO REVISE A PROVISION

RELATING TO PROCEEDINGS AGAINST PARENTS OR GUARDIANS.

S 1018
BY EDUCATION COMMITTEE

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-123, IDAHO CODE, TO PROVIDE THAT THE STATE BOARD FOR PROFESSIONAL-TECHNICAL EDUCATION SHALL PREPARE CERTAIN COURSES FOR PRISONERS HELD UNDER THE JURISDICTION OF THE DEPARTMENT OF CORRECTION.

S 1019
BY EDUCATION COMMITTEE

AN ACT

RELATING TO THE IDAHO EDUCATIONAL TECHNOLOGY INITIATIVE AND THE STATE COUNCIL FOR TECHNOLOGY; REPEALING SECTION 33-4804, IDAHO CODE, RELATING TO THE STATE COUNCIL FOR TECHNOLOGY IN LEARNING; REPEALING SECTION 33-4805, IDAHO CODE, RELATING TO RESPONSIBILITIES OF THE COUNCIL; AMENDING SECTION 33-4806, IDAHO CODE, TO REDESIGNATE THE SECTION, TO PROVIDE FOR IMPLEMENTATION OF THE PUBLIC SCHOOL TECHNOLOGY GRANT PROGRAM AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 33-4807, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO PROVIDE THAT THE STATE DEPARTMENT OF EDUCATION REPORT TO THE LEGISLATURE AND GOVERNOR; REPEALING SECTION 33-4809, IDAHO CODE, RELATING TO THE HIGHER EDUCATION INFORMATION TECHNOLOGY COMMITTEE; AND REPEALING SECTION 33-4810, IDAHO CODE, RELATING TO THE PUBLIC EDUCATION INFORMATION TECHNOLOGY COMMITTEE.

S 1020
BY SCHROEDER

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-1304, IDAHO CODE, TO PROHIBIT CERTAIN PERSONS FROM PURCHASING UNLAWFULLY TAKEN WILDLIFE OR ANY PORTION THEREOF SUBJECT TO SALE BY THE DIRECTOR OF THE DEPARTMENT OF FISH AND GAME.

S 1021
BY SCHROEDER

AN ACT

RELATING TO SOIL CONSERVATION DISTRICTS; AMENDING SECTION 22-2718, IDAHO CODE, TO PROVIDE A QUALIFICATION REQUIREMENT FOR MEMBERS OF THE SOIL CONSERVATION COMMISSION AND TO PROVIDE AN EXCEPTION.

S 1022
BY SCHROEDER

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-1407, IDAHO CODE, TO REVISE PROCESSING FEE PROVISIONS RELATING TO CERTAIN FISH AND GAME VIOLATORS.

[S 1016](#), [S 1017](#), [S 1018](#), [S 1019](#), [S 1020](#), [S 1021](#), and [S 1022](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 11:35 a.m. until the hour of 11:30 a.m., Friday, January 23, 2009.

ROBERT L. GEDDES, President Pro Tempore

Attest: RUSTI HORTON, Assistant Secretary of the Senate